

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION**

MICHAEL A. MAXIE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CAUSE NO. 3:17-CV-948 RLM
	)	
STATE OF INDIANA, et al.,	)	
	)	
Defendants.	)	

**OPINION AND ORDER**

Michael A. Maxie, a prisoner without an attorney, filed a complaint and a motion asking to proceed in forma pauperis. However, Maxie is barred from proceeding in forma pauperis by 28 U.S.C. § 1915(g). This is commonly known as the “Three Strikes Rule” and Maxie has accumulated four strikes:

- (1) Maxie v. Schneieer, 3:13-CV-848 (N.D. Ind. filed August 19, 2013). Case dismissed on September 4, 2013, pursuant to 28 U.S.C. § 1915A as malicious;
- (2) Maxie v. Doe, 3:13-CV-1278 (N.D. Ind. filed November 29, 2013). Case dismissed on February 26, 2014, pursuant to 28 U.S.C. § 1915A for failure to state a claim ;
- (3) Maxie v. Levenhagen, 3:13-CV-1279 (N.D. Ind. filed November 29, 2013). Case dismissed on May 1, 2014, pursuant to 28 U.S.C. § 1915A for failure to state a claim;
- (4) Maxie v. Wilson, 3:13-CV-1021 (N.D. Ind. filed September 23, 2013). Case dismissed on May 2, 2014, pursuant to 28 U.S.C. § 1915A for failure to state a claim.

An inmate with three or more strikes “can use the partial prepayment option in § 1915(b) only if in the future he ‘is under imminent danger of serious

physical injury.” Abdul-Wadood v. Nathan, 91 F.3d 1023, 1025 (7th Cir. 1996). To meet the imminent danger standard, the threat complained of must be real and proximate. Ciarpaglini v. Saini, 352 F.3d 328, 330 (7th Cir. 2003). Only “genuine emergencies” qualify as a basis for circumventing § 1915(g). Lewis v. Sullivan, 279 F.3d 526, 531 (7th Cir. 2002).

Maxie is suing the defendants for monetary damages. He alleges that the defendants didn’t give him proper credit for time served. This complaint contains no allegations of imminent danger of serious physical injury, so he can’t proceed in forma pauperis and must pay the \$400 filing fee to continue with this case.

For these reasons, the court:

(1) DENIES the motion for leave to proceed in forma pauperis (ECF 2);

and

(2) GRANTS Michael A. Maxie until January 16, 2018, to pay the \$400 filing fee,

If the fee isn’t paid by that date this case will be dismissed without further notice.

SO ORDERED.

ENTERED: December 21, 2017

/s/ Robert L. Miller, Jr.

Judge

United States District Court